SEP 09 2004
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9-13-04

PTO/SB/21 (6-99)

Approved for use through 09/30/2000. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

✓ IFW 16478

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/015,395
Filing Date	DECEMBER 12, 2001
First Named Inventor	KEVIN P. BAKER
Group/Art Unit	1647
Examiner Name	LANDSMAN, ROBERT S.

Total Number of Pages in This Submission

175

Attorney Docket Number

39780-2830 P1C57

ENCLOSURES (check all that apply) **FEE TRANSMITTAL FORM** Fee Attached **AMENDMENT / RESPONSE** After Final Version With Markings Showing Changes Affidavits/declaration(s) **EXTENSION OF TIME REQUEST
(3 MONTH)** **INFORMATION DISCLOSURE
STATEMENT (WITH PTO-1449)** Certified Copy of Priority Document(s) Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53 Copy of Notice Copy of an Assignment Drawing(s) Licensing-related Papers Petition Routing Slip (PTO/SB/69) and Accompanying Petition Petition to Convert to a Provisional Application Power of Attorney, by Assignee to Exclusion of Inventor Under 37 C.F.R. §3.71 With Revocation of Prior Powers Terminal Disclaimer Small Entity Statement Request for Refund After Allowance Communication to Group Appeal Communication to Board of Appeals and Interferences Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) Proprietary Information Status Letter **ADDITIONAL ENCLOSURE(S)
(PLEASE IDENTIFY BELOW):** **DECLARATION OF SHERMAN FONG, Ph.D.; PAGES 504,519-520 and 523 OF PCT PUBLICATION WO 00/78961; PAGES 103-104 OF US PROVISIONAL APPLICATION NO. 60/144,758; ATCC DEPOSIT RECEIPT; 25 REFERENCES; and STAMPED RETURN POSTCARD**

Remarks

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER, REFERENCING ATTORNEY'S DOCKET NO. 39780-2830 P1C57.**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Firm or Individual name	HELLER EHRLICH WHITE & McAULIFFE LLP 275 Middlefield Road, Menlo Park, California 94025	ANNA L. BARRY (Reg. No. 51,436) Telephone: (650) 324-7000	Facsimile: (650) 324-0638
Signature			
Date	SEPTEMBER 9, 2004	Customer Number:	35489

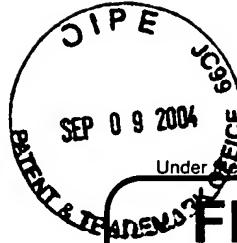
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I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on this date: SEPTEMBER 9, 2004

Express Mail Label EL 977 678 230 US

Typed or printed name	C. FONG		
Signature		Date	SEPTEMBER 9, 2004

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SEP 09 2004

PTO/SB/17 (10-03)
Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT **(\$)** **1,130.00**

Complete if Known

Application Number	10/015,395
Filing Date	DECEMBER 12, 2001
First Named Inventor	KEVIN P. BAKER
Examiner Name	LANDSMAN, ROBERT S.
Art Unit	1647
Attorney Docket No.	39780-2830 P1C57

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

Deposit Account:

Deposit Account Number
Deposit Account Name
08-1641 (39780-2830 P1C57)
HELLER EHRMAN WHITE & McAULIFFE LLP

The Director is authorized to: (check all that apply)
 Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee			
1002 340	2002 170	Design filing fee			
1003 530	2003 265	Plant filing fee			
1004 770	2004 385	Reissue filing fee			
1005 160	2005 80	Provisional filing fee			
SUBTOTAL (1) (\$)					

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			-20** =	X	=
			-3** =	X	=

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	
1202 18	2202 9	Claims in excess of 20			
1201 86	2201 43	Independent claims in excess of 3			
1203 290	2203 145	Multiple dependent claim, if not paid			
1204 86	2204 43	** Reissue independent claims over original patent			
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent			
SUBTOTAL (2) (\$)					

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath			
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet			
1053 130	1053 130	Non-English specification			
1812 2,520	1812 2,520	For filing a request for ex parte reexamination			
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action			
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action			
1251 110	2251 55	Extension for reply within first month			
1252 420	2252 210	Extension for reply within second month			
1253 950	2253 475	Extension for reply within third month			
1254 1,480	2254 740	Extension for reply within fourth month			
1255 2,010	2255 1,005	Extension for reply within fifth month			
1401 330	2401 165	Notice of Appeal			
1402 330	2402 165	Filing a brief in support of an appeal			
1403 290	2403 145	Request for oral hearing			
1451 1,510	1451 1,510	Petition to institute a public use proceeding			
1452 110	2452 55	Petition to revive - unavoidable			
1453 1,330	2453 665	Petition to revive - unintentional			
1501 1,330	2501 665	Utility issue fee (or reissue)			
1502 480	2502 240	Design issue fee			
1503 640	2503 320	Plant issue fee			
1460 130	1460 130	Petitions to the Commissioner			
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)			
1806 180	1806 180	Submission of Information Disclosure Stmt			
8021 40	8021 40	Recording each patent assignment per property (times number of properties)			
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))			
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))			
1801 770	2801 385	Request for Continued Examination (RCE)			
1802 900	1802 900	Request for expedited examination of a design application			
Other fee (specify)					
SUBTOTAL (3) (\$)					

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) **1,130.00**

(Complete if applicable)

SUBMITTED BY			
Name (Print/Type)	ANNA L BARRY	Registration No. (Attorney/Agent)	51,436
Signature		Telephone	(650) 324-7000
		Date	SEPTEMBER 9, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:) Examiner: Landsman, Robert S.
Kevin P. BAKER, et al.)
Application Serial No. 10/015,395) Art Unit: 1647
Filed: December 12, 2001) Confirmation No: 9919
For: SECRETED AND) Attorney's Docket No. 39780-2830 P1C57
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AMENDMENT AND RESPONSE TO OFFICE ACTION

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the Office Action mailed on March 17, 2004, in connection with the above-identified patent application (Paper No. 031104), please enter the following amendments, and consider the following arguments. This response is timely filed with a request for Extension of Time for three months with fees. Attached herewith are pages 504, 519-520 and 523 of PCT publication, WO 00/78961, corresponding to PCT application, PCT/US00/04342, and pages 103-104 of U.S. Provisional Application No. 60/144,758 in support of Applicants' priority claim.

Also filed herewith is an Information Disclosure Statement. Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application.

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims begins on page 4 of this paper.

Remarks/Arguments begin on page 13 of this paper.